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Date: March 17, 2003

Re: Appl. No. 09/739,857

File No.: 40002-10083

☐ Urgent

☐ For Review

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• **Comments:** Please see attached.

Also, see T.D., herein.
JRP

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Appl. No. 09/739,857

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3/17/03

#11
AW
4-4-03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : James D. Hansa et al.
Appl. No. : 09/739,857
Filed : December 18, 2000
Title : Oat and Corn Products Containing Added Ingredients
and Method

Grp./A.U. : 1761
Examiner : Helen Pratt

Docket No. : 40002-10083

Commissioner for Patents
Washington, D.C. 20231

**Terminal Disclaimer To Obviate A Provisional Double
Patenting Rejection Over A Pending Application**

The owner, The Quaker Oats Company, of one-hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/487,036 filed on January 19, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is

Appl. No.09/739,857

reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 50-0503. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)


Signature

Dated: March 17, 2003

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